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SUBJECT: TANZANIA: FOREIGN MINISTER BRIEFS DIPLOMATS ON  
THE COMOROS CRISIS AND NEW AFRICAN UNION COURT IN ARUSHA

#### SUMMARY

1. (SBU) Foreign Minister Bernard Membe briefed the European and Americas diplomatic corps recently on the deepening crisis in the Union of the Comoros and requested proactive diplomatic efforts to resolve the issue. Membe announced that at the African Union (AU) meeting in Accra (July 2-3), Arusha had been confirmed as the site for a continent-wide African court that could accept appeals cases, human rights cases and indictments against former dictators. He followed the announcement with a fundraising appeal to donors to assist with both renovating existing facilities in Arusha--currently home to the International Criminal Tribunal on Rwanda (ICTR) and the East African Community (EAC) headquarters--and constructing a new "monumental" judicial complex to serve as Africa's continental court. End Summary.

#### Defiance in Anjouan

2. (SBU) Minister Membe recounted briefly for the diplomatic corps how the crisis in Comoros has deepened over the past four months. On April 14, 2007, when the term of President Mohamed Bacar of Anjouan expired, he refused to leave office and to allow an interim president to be named until new elections were held. Beginning in early May, all signs or insignia related to the government of the Union of Comoros were removed from official buildings in Anjouan. The Union radio station was taken over by Anjouan officials and several radio staff arrested. The small Union army contingent on Anjouan was attacked by militia forces resulting in one Union fatality. When the Comoros Union President Ahmed Abadallah Sambi attempted to fly into Anjouan June 5 to meet directly with Bacar and discuss the elections, his plane was unable to land because the airstrip was blocked by trucks.

#### AU efforts to resolve the crisis

3. (SBU) In this defiant mode, Anjouan's President Bacar insisted that Anjouan's elections take place on June 10 even though the Union government had decided the elections should be one week later on June 17, to allow time for the official ballots, ballot boxes and AU monitors to be in place. Bacar ignored the request, printed his own ballots, held the elections June 10 and declared himself the victor by 90

percent of the vote. Membe said the AU then appointed a special committee composed of Kenya, Tanzania, Mozambique, Mauritius, Madagascar, South Africa and the Seychelles to "find a way forward" to resolve the crisis. Following a meeting in South Africa, the AU committee issued the following communique:

- the African Union has declared the June 10 elections in Anjouan as a non-event;
- elections should be rerun before the end of July 2007;
- the results of the new election must be acknowledged by all parties involved;
- the international community needs to put pressure on Anjouan's Bacar to comply;

¶4. (SBU) Although the AU special committee sent an envoy to deliver the communique in person, Bacar did not agree to new elections and claimed that the June 10 results will stand until the constitution of the Union of the Comoros "undergoes a full review." Membe made the appeal that it is now crucial for the international community to exert full diplomatic influence to reach and reason with Bacar in order to turn the situation around. Minister Membe stressed: "The AU does not want to use military force in Anjouan as there are basically only innocent civilians left on the island; we must employ all diplomatic resources at our disposal."

¶5. (SBU) When asked if economic sanctions would be among those resources, Membe replied that the AU request to re-run the elections during July coupled with a full press on the diplomatic front is the current course of action to get Mohamed Bacar to comply. Should this course of action not succeed "economic sanctions should not be ruled out," Membe

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said.

African Court in Arusha

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¶6. (U) Minister Membe confirmed that the African Union has chosen Arusha as the site of an AU-sponsored continental African court. This institution is envisioned to serve as a continent-wide appeals court as well as to prosecute human rights abusers, former dictators and persons accused of inciting coups. Since the ICTR's activities are winding down, the initial plan would be to renovate the current ICTR/EAC facilities in Arusha at the cost of approximately USD 17 million. Membe emphasized, however, the long term plan is to construct a new edifice "worthy of representing the continent of Africa" and that the GOT will be looking for support from "all your capitals." He added that once the architectural design for a new complex is completed "you can expect we will be knocking at your doors." The representative of the German Embassy responded to Minister Membe's appeal on-the-spot by pledging one million Euro toward constructing the new court.

Comments

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¶7. (SBU) While Minister Membe's two briefing points may have appeared unrelated, in reality, once an African court is in place and fully functional, it could potentially serve as a forum to resolve constitutional and other disputes--such as the current stalemate in Union of the Comoros--if indeed all AU members would agree to accept the decisions of such a judicial body. In post's view, while the ICTR/EAC complex and conference center in Arusha appears to be in need of some renovations and remodeling, a USD 17 million price tag for this effort struck most of the donors at Membe's briefing as steep, particularly if immediately followed by a serious GOT fundraising campaign to build a brand new African court complex.

¶8. (SBU) Many members of the diplomatic corps were under the impression that the MFA briefing concerned Zimbabwe.

Minister Membe apologized more than once that the notices from MFA about the briefing had mentioned Zimbabwe as a topic. He noted that the Southern African Development Cooperation (SADC) Organ on Politics, Defence and Security would be meeting at the ministerial level in early August in Dar es Salaam to hear an update on President Mbeki's reconciliation efforts among Zimbabwe's political parties. Thus Membe could not make any comments on the progress of SADC's Zimbabwe initiative until the conclusion of that ministerial.

RETZER